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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

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6 TIM TOTH,

7 Plaintiffs,

8 vs.

9 STEPHENS AND MICHAELS ASSOCIATES,
10 INC.,

11 Defendant.

2:13-cv-00372-GMN-VCF

**ORDER AND REPORT AND
RECOMMENDATION**

12 Before the Court is the Plaintiff's Motion to Amend Complaint (#11).

13 **Background:**

14 On March 16, 2013, Plaintiff filed a Complaint against Defendant Stephens and Michaels
15 Associates, Inc. (hereafter "Defendant"). (#1). Defendant filed its Answer to Complaint on March 29,
16 2013. (#8). The discovery plan and scheduling order was entered on April 9, 2013. (#10). On July 26,
17 2013, Plaintiff filed a Motion to Amend Complaint. (#11). On October 23, 2013, Plaintiff filed his
18 Motion for Summary Judgment on Count 1 of Plaintiff's First Amended Complaint for Violations of the
19 FDCPA. (#13).

20 To date, no opposition has been filed to Plaintiff's Motion to Amend Complaint. Pursuant to 7-
21 2, [t]he failure of an opposing party to file points and authorities in response to any motion shall
22 constitute a consent to the granting of the motion.

23 Accordingly,

24 IT IS HEREBY ORDERED that the Motion to Amend Complaint (#11) is GRANTED.
25

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned United States Magistrate Judge that the Motion for Summary Judgment on Count 1 of Plaintiff's First Amended Complaint for Violations of the FDCPA (#13) be DENIED as MOOT.

The Court will allow the parties additional time to conduct discovery.

IT IS FURTHER ORDERED that the following discovery deadlines are extended:

A. Discovery Cut-Off Date:

Discovery must be completed on or before February 7, 2014.

B. Amended Pleadings and Adding Parties: Time has passed and will not be extended.

C. Disclosure of Experts:

Expert disclosures must be made on or before December 9, 2013 which is 60 days before discovery cut-off. Rebuttal expert disclosures must be made on or before January 8, 2014 which is 30 days after Expert disclosures.

D. Interim Status Report:

The interim status report must be filed by the parties on or before December 9, 2013 which is 60 days before discovery cut-off.

E. Dispositive Motions:

Dispositive motions must be filed and served on or before March 10, 2014 which is 30 days after discovery cut-off.

F. Joint Pre-Trial Order:

The Joint Pre-trial Order must be filed on April 9, 2014, which is 30 days after the date set for filing of dispositive motions. In the event dispositive motions are filed, the date for filing the Joint Pre-trial Order must be suspended until 30 days after the decision on the dispositive motions or further order of the Court.

1 G. Fed.R.Civ. P. Rule 26(a)(3) Disclosures:

2 The disclosures required by Fed. R. Civ. P. Rule 26(a)(3) must be made in the joint pre-trial order.

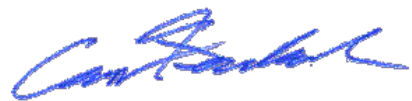
3 H. Later Appearing Parties:

4 A copy of this discovery plan and scheduling order must be served on any person after it is
5 entered or, in the alternative, if an additional defendant should appear, within five (5) days of their first
6 appearance. This discovery plan and scheduling order will apply to such later-appearing parties, unless
7 the Court, on motion and for good cause shown orders otherwise.

8 I. Extension of Discovery Deadlines:

9 Pursuant to LR 26-4, any request to extend the dates set forth in this Discovery Plan and Scheduling
10 Order must be filed with the Court no later than 21 days prior to the discovery cut-off date or January
11 17, 2014.

12 DATED this 12th day of November, 2013.



13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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